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THE UNITED STATES PATENT AND TRADEMARK OFFICE
Re: Appeal to the Board of Patent Appeals and Interferences

In re PATENT application of
DESAI

Group Art Unit: 2151

Application No. 09/986,967

Examiner: TRAN, Nghi V.

Filed: November 13, 2001

Title: Arrangement for Providing Content Operation Identifiers with a Specified HTTP Object for
Acceleration of Relevant Content Operations

Docket : 95-472

Date: December 22, 2005

MAIL STOP AF

Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

- 1 ☒ **NOTICE OF APPEAL:** Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision (not Advisory Action) dated September 21, 2005 of the Examiner twice/finally rejecting claims 1-33. ☒ ATTACHED: Pre-Appeal Brief Request for Review
- 2 ☐ **BRIEF** on appeal in this application attached in triplicate.
- 3 ☐ An **ORAL HEARING** is respectfully requested under Rule 194 (due two months after Examiner's Answer -- unextendable).
- 4 ☐ Reply Brief is attached in triplicate (due two months after Examiner's Answer -- unextendable).

5. FEE CALCULATION:		Large/Small Entity	
If box 1 above is X'd, see box 12 below <u>first</u> and decide: enter		\$500/250*	\$ 500.00
If box 2 above is X'd, see box 12 below <u>first</u> and decide: enter		\$500/250*	\$
If box 3 above is X'd, see box 12 below <u>first</u> and decide: enter		\$1000/500*	\$
If box 4 above is X'd, enter nothing		- 0 - (no fee)	
6. Original due date: (Advisory Not Mailed)			
7. Petition is hereby made to extend the original due date to cover the date this response is filed for which the requisite fee is attached		(1 mo) \$110/\$55 (2 mos) \$420/\$210 (3 mos) \$950/\$475 (4 mos) \$1480/\$740	+
8. Enter any previous extension fee paid [] previously since above <u>original</u> due date (item 6); [] with concurrently filed amendment		-	
9. Subtract line 8 from line 7 and enter: Total Extension Fee			+500.00
10. TOTAL FEE ATTACHED =			\$ 500.00

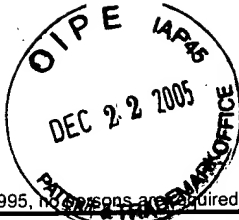
11. ☐ *Fee NOT required if/since paid in prior appeal in which the Board of Patent Appeals and Interferences did not render a decision on the merits.
- 12/23/2005 JADD01 00000031 09986967
01 FC:1401 500.00 OP

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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

95-472

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to "Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)]

on _____

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Typed or printed
name _____

Application Number

09/986,967

Filed

November 13, 2001

First Named Inventor

DESAI

Art Unit

2151

Examiner

TRAN, Nghi V.

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.☐ assignee of record of the entire interest.
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.
(Form PTO/SB/96)☒ attorney or agent of record.
Registration number 34,035☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 _____

Signature

Leon R. Turkevich

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(202) 261-1059

Telephone number

December 22, 2005

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Docket No.: 95-472



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

DESAI

Serial No.: 09/986,967

Group Art Unit: 2151

Filed: November 13, 2001

Examiner: TRAN, Nghi V.

For: ARRANGEMENT FOR PROVIDING CONTENT OPERATION IDENTIFIERS WITH
A SPECIFIED HTTP OBJECT FOR ACCELERATION OF RELEVANT CONTENT
OPERATIONS

ARGUMENTS FOR PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAILSTOP: AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Applicant requests that the rejection under 35 USC §102(e) of claims 1-2, 6-7, 11-14, 18-21, 25-26, 30-33, and 37-38 in view of U.S. Patent No. 6,871,236 to Fishman et al. (as raised in the Final Action mailed September 21, 2005) be withdrawn, because there exists a clear legal and/or factual deficiency in the prima facie case of this rejection.

The §102 rejection has a clear legal and/or factual deficiency because Fishman et al. fails to disclose (expressly or inherently) the claimed feature in independent claims 1, 13, 20, and 32 of an HTTP response to an HTTP request for a first content object, where the HTTP response includes not only the first content object that was requested in the HTTP request, but also a content operation identifier specifying a *directive for prefetching a second content object* as a content object *distinct from presentation of the first content object*.

Hence, the claims specify that the HTTP response includes not only the first content object that was requested in order to enable a requesting device to present the requested first content object, but the HTTP response also includes a directive for prefetching the second content object: the claims also specify that the directive enables prefetching of the second content object as a content operation distinct from presentation of the first content object.

Attention is directed to page 3, lines 9-23 of the Response After Final filed November 21, 2005, where Applicant argued in detail that Fishman relies on a conventional request-based system for retrieving data (i.e., HTTP request for content A results in HTTP response for content A), in order to transfer content (e.g., “A”) 232 from content server 210/310 to the mobile gateway 250/350 via the communication link 240/340. There is no disclosure or suggestion in Fishman that the HTTP response from the content server 210/310 to the mobile gateway 250/350 includes anything other than the requested content (e.g., “A”) because “content server 210 simply provides content in the usual manner” (col. 11, lines 40-41).¹ There is no disclosure or suggestion of the HTTP response from the content server 210/310 including the claimed directive for fetching a second content object (e.g., “B”) that was not in the original HTTP request, in addition to the first content object (e.g., “A”) that was in the original request.

In addition, any request for content by a requesting device (e.g., 274/374, 276/376, 278, 279) that is received by the mobile gateway 250/350 results simply in a response from the mobile gateway 250/350 to the requesting device, the response including only the requested content in a form suited for the requesting device (“transformed content”)².

¹See also col. 12, lines 26-27 and 42-44: “using communication link 340, mobile gateway requests data object 332 from content server 310. ... As shown in FIG. 3C, content server 310 responds by sending data object 332 to mobile gateway 350 via communication link 340.”

²See, e.g., col. 9, lines 16-19 (“mobile clients are not required to specifically request transformed content. Rather, a mobile client simply requests content, such as data object 232. ... In cases where the content is available ... the appropriate transform is applied to the content [and the] newly transformed content is then added to the cache and sent to the requesting mobile client.”); col. 10, lines 51-54 (“Although phone 274, pager 276, PDA 278, and mobile gateway 279 all may request the same data object 232, each may receive a transformed data object that

Hence, any request for content to the content server 210/310 of Fishman results in the content server 210/310 outputting a response that consists of the requested content; any request for content to the gateway 250/350 of Fishman results in the gateway 250/350 outputting a response that consists of the requested content in a form suited for the requesting device (“transformed content”).

Hence, Fishman neither discloses nor suggests the claimed HTTP response that includes the requested content (“first content object”) **and** a directive for prefetching a second content object, the directive being distinct from presentation of the first content object.

During a personal interview conducted on December 20, 2005 between the undersigned and Examiners Dinh and Tran, the Examiners argued that the caching by the gateway 250/350 was equivalent to the claimed prefetching. This argument is immaterial, however, because the claims explicitly specify that the HTTP response, that includes the first content object and the directive for prefetching, is sent **to the device** in claim 1, received **from the destination server** in claims 13 and 32, and output **by the interface of the server** of claim 20.

Since Fishman neither discloses nor suggests the claimed HTTP response that includes the requested content (“first content object”) **and** a directive for prefetching a second content object, the directive being distinct from presentation of the first content object, there is a clear deficiency in the §102 rejection. Therefore, this rejection should be withdrawn.

Applicant reserves the right to raise additional arguments on Appeal.

differs from the transformed data object received by the others.”); col. 12, lines 20-25 and 45-48 (“Selecting the URL causes phone 374 to make the request. Mobile gateway 350 uses mobile client data 352 to identify the transform associated with phone 374. With the URL and associated transform, cache 380 is examined to see if the requested content is available. ... Mobile gateway 350 applies transform A 354 to data object 382 and sends the transformed content to phone 374 using communication link 364.”).

Arguments for Pre-appeal Brief Request for Review

Appln. No. 09/986,967

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The Response After Final was submitted within 2 months of the September 21, 2005 mailing date of the Final Action, and to date no Advisory Action has been mailed, hence no extension of time is needed. To the extent necessary, Applicant petitions for an extension of time under 37 C.F.R. 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including any missing or insufficient fees under 37 C.F.R. 1.17(a), to Deposit Account No. 50-1130, under Order No. 95-472, and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'L R Turkevich', followed by a horizontal line.

Leon R. Turkevich
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Date: December 22, 2005